

60,427-616; 2003P02062US01

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks, allowability of claims 22, 23, 25, and 32, and allowance of claim 26. Claims 1, 9, 16, 18, and 24 have been amended. Claims 15, 19, 21-23, 25, 27, and 33 have been cancelled. Claim 32 has been rewritten in independent form to include all of the limitations of the base claim and intervening claim. Accordingly, claims 1, 6-14, 16-18, 24, 26, and 28-32 are pending.

§102(e) Rejection Under Dietz

The Examiner rejected claims 1, 2, 6, 9-11, 15-18, 24, 27-29, 31, and 33 under 35 U.S.C. §102(e) as being anticipated by *Dietz*. Applicant has amended claim 1 to recite that the carrier has an air entry side and an air discharge side, and a flap that extends through at least one of the air entry side or the air discharge side. As seen in Figure 3 of *Dietz*, the flap 14 does not extend through either of the sides of the flange 1. Accordingly, claim 1 and its dependents are properly allowable.

35 U.S.C. §103(a) Rejections Dietz in View of Gluchowski and Dietz in View of Illing.

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Dietz* in view of *Gluchowski*. The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over *Dietz* in view of *Illing*. As explained above, *Dietz* does not disclose a flap that extends through at least one of the air entry side or the air discharge side of the carrier. In view of Applicant's amendment, the rejections of claims 7 and 8 are moot.

35 U.S.C. §102(b) Rejection Under Oishi

The Examiner rejected claims 1, 12, and 13 under 35 U.S.C. §102(b) as being anticipated by *Oishi*. The Examiner argues that *Oishi* discloses a carrier (11) having a first sealing interface for a manifold and a second sealing interface for an engine cylinder. The Examiner does not specifically point out any sealing surfaces in *Oishi*. Indeed, the Examiner later admits on page 7 of the office action that *Oishi* discloses the claimed invention *except for a second sealing interface*. Applicant's claims recite a carrier having a first sealing interface for a manifold and a second

60.427-616; 2003P02062US01

sealing interface for an engine cylinder. Since the Examiner agrees that *Oishi* does not disclose a second sealing interface recited in Applicant's claims, *Oishi* cannot anticipate Applicant's claims. Accordingly, claim 1 and its dependents are properly allowable.

35 U.S.C. §103(a) Rejections *Oishi* in View of *Lee*

The Examiner rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over *Oishi* in view of *Lee*. The Examiner argues that it would have been obvious to provide *Oishi* with a second sealing interface of *Lee* to improve sealing efficiency. Respectfully, the Applicant disagrees. There is no motivation to make the proposed combination. The Examiner simply states a desired result of improved efficiency and does not state any reason why one would choose to provide *Oishi* with a second sealing interface to achieve that result. Moreover, it is unclear how adding a second sealing interface, where previously there was no sealing interface, would improve efficiency. A second sealing interface would seem to introduce opportunity for efficiency loss as compared to not having a sealing interface. Therefore, one of ordinary skill in the art would not expect to successfully improve efficiency by making the proposed modification and would not be motivated to modify *Oishi* as proposed. Accordingly, claim 10 is properly allowable.

With regard to claim 14, the Examiner argues that it would have been obvious to provide *Oishi* with the embedded wire of *Lee* to improve the efficiency of the system. Respectfully, the Applicant disagrees. There is no motivation to make the proposed combination. The Examiner simply states a desired result of improved efficiency and does not state any reason why one would choose to provide *Oishi* with an embedded wire to achieve that result. Furthermore, *Lee* teaches away from making the proposed combination by suggesting that molding of the wires into the carrier, *and not the manifold*, provides the benefit of keeping the wires separate from the manifold, thereby simplifying repair and recycling. See col.1, line 66 to col.2, line 3. This suggestion is directly inconsistent with Examiner's proposed modification of embedding the wires in the manifold 11 of *Oishi*. Accordingly, claim 14 is properly allowable.


With regard to claim 30, claim 30 recites at least a second seal disposed on the other one of the first sealing interface and the second sealing interface. The Examiner has failed to consider the feature of the second seal in making the rejection. Indeed, the Examiner did not even mention the

60,427-616; 2003P02062US01

second seal in the rejection. Therefore, the Applicant respectfully invites the Examiner to consider this feature of the claims or withdraw the rejection.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.


Respectfully submitted,


Matthew L. Koziarz, Reg. No. 53,154
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: May 19, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on May 17, 2006.


Laura Combs